REMARKS

This responds to the Office Action dated November 16, 2006. Claims 13 and 16-17 are amended to consistently refer to the capacitor voltage as V_{CS} as used in the figures, no claims are canceled, and no claims are added. Thus, claims 9-18 and 21-30 remain pending in this application.

Double Patenting Rejection

Claims 9-18 and 21-30 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,654,640. Applicant will address the double patenting rejection when the claims are otherwise found in condition for allowance. The Examiner is invited to call Applicant's representative at 612-373-6960 to request a Terminal Disclaimer if the claims are otherwise found to be in condition for allowance.

§102/§103 Rejection of the Claims

Claims 9-11, 14, 18, 21, 28 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kroll (U.S. Patent No. 5,741,307).

Applicant respectfully traverses for at least the following reasons. The rejection states: *Also, it is inherent that the system have programmable VI and VF set up parameter since the system must be programmed to know at what voltage to start charging the capacitor and at what voltage to end the charging of capacitor. . . . Kroll's system will have VI being greater than Vd since the capacitor will be completely discharged, therefore having Vd at 0 volts, and since VI will be the initial voltage applied to the capacitor to start charging the capacitor, which will be above 0 volts. . . . It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in the charging system and method as taught by Kroll, the charge time set up parameters, such as VI and VF, since it was well known in the art that charging systems and methods use charge time set up parameters, such as VI and VF, so that the system knows at what voltage to start the charging of the capacitor and at what voltage to stop the charging of the capacitor so the capacitor can be charged to be tested/used.*

Applicant respectfully asserts that these assertions improperly characterize VI as being the voltage to start charging the capacitor, and VF as the voltage to stop charging the capacitor. However, as reflected in the language recited in claims 1 and 21, VI and VF are parameters for beginning and ending a charge time measurement, not parameters to start and stop charging the capacitor. VI is an initial voltage reference to begin the charge time measurement, and VF is a charged voltage reference (VF) to end a charge time measurement.

Further, Vd is the discharge voltage level to which the capacitor is discharged before beginning the time charge measurement. Since recited claim language indicates VI is greater than Vd, the capacitor is charged from Vd to VI at which point the time measurement begins. In other words, the capacitor begins to charge before the time measurement begins. This is illustrated in FIG. 3b. In contrast, Kroll states that it is important that the reformation process include the complete discharge of the fully charged capacitor and its subsequent full recharge (col. 7 lines 61-64), and that the capacitor should be fully discharged before determining the charging time or that the charge time should be corrected based on a residual voltage (if the capacitor is not fully discharged) before beginning the charge cycle (col. 8 lines 7-12). Either way, Applicant respectfully asserts, the timing cycle begins at the beginning of the charging cycle.

The rejection includes a number of assertions, which do not need to be addressed because the reasons provided above are asserted to be sufficient to traverse the rejection. Applicant does not intend to admit to any particular assertion if that assertion has not been addressed in this response. Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 9-11, 14, 18, 21, 28 and 30.

§*103 Rejection of the Claims*

Claims 12 and 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroll (U.S. Patent No. 5,741,307) as applied to claims 9 and 21 above. Applicant respectfully traverses. Claims 12 and 27 depend on independent claim 9, and claims 24-26 depend, either directly or indirectly, on independent claim 21. These dependent claims are asserted to be in condition for allowance at least for the reasons provided with respect to their independent claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date 2-16-07

By
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of February 2007.

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